

APR 29 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTIN DEWANTA
KARTAWIDJAJA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-75365

Agency No. A77-851-041

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 22, 2008**

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Martin Dewanta Kartawidjaja, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying his application for asylum,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *see Nagoulko v. INS*, 333 F.3d 1012, 1015 (9th Cir. 2003), and we deny the petition for review.

Substantial evidence supports the agency’s finding that the harm Kartawidjaja suffered did not rise to the level of past persecution. *See id.* at 1016-18. Substantial evidence further supports the agency’s finding that Kartawidjaja failed to demonstrate an objectively reasonable fear of future persecution. *See id.* at 1018.

Because Kartawidjaja failed to demonstrate that he was eligible for asylum, it follows that he did not satisfy the more stringent standard for withholding of removal. *See Lata v. INS*, 204 F.3d 1241, 1244 (9th Cir. 2000).

Kartawidjaja also did not demonstrate that he is entitled to protection under CAT because he did not establish that it is more likely than not he would be tortured if removed to Indonesia. *See Malhi v. INS*, 336 F.3d 989, 983 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.